

Minority Media and Telecommunications Council

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August 17, 2012

Marlene Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

RE: Notice of *Ex Parte* Communication EB Docket No. 04-296 (Emergency Alert System)
and EB Docket No. 06-119 (Independent Panel Reviewing Impact of Hurricane Katrina)

Dear Ms. Dortch:

This reports on a meeting held August 16, 2012 with Lisa Fowlkes, Deputy Chief of the Public Safety and Homeland Security Bureau and Eric Ehrenreich, Attorney Advisor in the Policy Division.

During the meeting, Commission staff asked several questions that will require clarification in a follow up conversation and ex parte letter.

- I notified the Commission that MMTC's overarching goal with the longstanding Petition for Immediate Interim Relief, filed in the wake of Hurricane Katrina, is to provide multilingual communities emergency information during and after an emergency.
- We discussed the current iteration of the proposal set forth in the "Seven Proposals on Broadcast Regulation"¹ and the continued applicability of the designated hitter model set forth in MMTC filings.²

¹ See MMTC Notice of Ex Parte Communications, EB Docket No. 04-296 *et al.* (filed Aug. 12, 2011), available at <http://apps.fcc.gov/ecfs/document/view?id=7021702271> (last visited Aug. 17, 2012). Requesting a Further NPRM in EB Docket No. 04-296, the seventh proposals urges the Commission to grant the Katrina Petition and require multilingual emergency broadcasting on a "designated hitter" model during and in the critical days after emergencies such as hurricanes: "A radio station serving as a designated hitter would air programming in another language during regular segments throughout the hour (e.g. "on the eights") in cooperation, where possible, with other radio stations in the market which broadcast in that language (utilizing, for example, their staffs) when, during or in the wake of the emergency, there is no other source of emergency radio programming in the covered language. Covered languages would consist of those (which are spoken by 5% of the market's population or 50,000 people in the market, whichever is less (approximating analogous federal voting rights policies). This initiative could be effectuated by

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- In response to questions about how to handle emergency alerts in communities where a number of multilingual stations already present, I explained that it is still important to have a plan in place on how to disseminate information to multilingual communities so that stations know how to act and who to turn to in the event of a disaster to ensure that all communities have access to emergency information.

Respectfully submitted,

Jacqueline Clary

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John W. Jones Fellow, MMTC

Cc: Lisa M. Fowlkes
Eric Ehrenreich

requiring states to amend their EAS plans, many of which are in need of modernization in any event, to require broadcasters to coordinate regarding the designated hitter process. Further, the Commission could express its willingness to offset a radio station's costs of service as a designated hitter in an actual emergency by waiving or reducing subsequent regulatory fees for that station for one year." Id.

² See Petition for Immediate Interim Relief, Review of the Emergency Alert System, EB Docket No. 04-296 (Sept. 20, 2005), available at <http://mmtconline.org/lp-pdf/EASPetition.pdf> (last visited Aug. 17, 2012). See also Comments of the Independent Spanish Broadcasters Association, Office of Communications of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, EB Docket No. 06-119 (Aug. 7, 2006), available at <http://mmtconline.org/lp-pdf/EAS-Comments-080706.pdf> (last visited Aug. 17, 2012) (The designated hitter model has six components. Under this plan the Commission would: "(1) require that EAS PEP stations air Presidential level messages in both English and Spanish; (2) require that state and local EAS plans designate a "Local Primary Spanish" ("LP-S") station to transmit emergency information in Spanish in local areas where a substantial portion of the population has its primary fluency in Spanish; (3) require that state and local EAS plans also designate a "Local Primary Multilingual" ("LP-M") station in local areas where a substantial portion of the population has its primary fluency in a language other than English or Spanish; (4) require that at least one broadcast station in every market monitor and rebroadcast emergency information carried by the local LP-S station and, where applicable, the local LP-M station; (5) require that stations remaining on the air during an emergency, broadcast emergency information in Spanish and in languages used on the LP-M station, if one exists (at least as part of their broadcasts) if the local LP-S or LP-M stations lose transmission capability; and (6) encourage all broadcasters to assist local LP-S and LP-M stations to return to the air under such circumstances.")